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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,648	12/13/2004	David J Attwater	36-1874	3107
23117 7590 10/09/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
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10/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/517,648

Applicant(s)

ATTWATER ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-35, 37-40, 44-48, 50, 52-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 21-35, 37-40, 50 and 54 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13, 17, 44-48, 52-53 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Allowable Subject Matter***

Claims 18, 21-35, 37-40, 50 and 54 are allowed.

Claims 4-10, 14-16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 18, 21-35, 37-40, and 50 are allowed for same reasons indicated in the preceding office action.

Claim 54 is allowed because the prior arts of record alone or in combination do not teach the time out means operable in dependence of a dialogue state to vary the time out parameter in accordance to the first and second dialog state.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gamm et al. 6,078,887).

As to claim 1, Gamm teaches an automated speech dialogue apparatus comprising;

Recognition means for recognizing second speech input sequences representing numeric characters;

Speech output means for presenting the recognized input by the user;  
storage means for storing the first character string that are correlated with the second character string.

Means for correlating the second speech input sequences with previously input/stored first sequences of numeric characters, where the correlation involves portion of the two sets of numeric characters and in accordance with the correlation result replacing at least part of the first sequence of characters (abstract; Col.2, lines 5-12; Col.1, lines 43-59).

according to the Gamm the speech entries are presented and verification is made by the user. A selective correction is made of those numeric characters that have not been recognized and when a first numeric character sequence has been recognized, the user is asked whether this sequence has been understood correctly. If this is not the case, the user is requested to give another speech entry. He may then enter a completely new numeric character sequence or only a partial numeric character sequence. the first numeric character sequence and the newly entered second numeric character sequence are compared. Then determination is made on the part of the first numeric character sequence and those that doesn't match with numeric characters of the second numeric character sequence replace the numeric characters of the part of the first numeric character sequence.

As to claims 2-3, Gamm teaches storing the first character string that are correlated with the second character string and replacing part of the first character sequence with the second character sequence as addressed above.

As to claims 11-13, Gamm teaches where the second input characters precede the first input characters if the result of the comparison shows difference and only those characters in the first input different from the second input are replaced (Col.2, lines 25-30).

As to claim 17, Gamm teaches where the speaker is prompted to confirm the input where the input is presented to the user through speech generation or display means (Col.2, line 5-30).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ciurpita et al. (2003/002,3439).

As to claim 44, Ciurpita teaches an automated dialogues apparatus, comprising:  
Speech recognition means for recognizing sequences of numbers;

a speech synthesis means for generating a confirmation signal to the user for verifying the recognized sequences of numbers where the numbers are broken into groups, characterized that the number sequences are automatically portioned in a predetermined pattern based on the user pause or speaking pattern and where the verification is outputted in groups (Par.0011; abstract; Par.0030-0034).

As to claims 45-48, Cirupita teaches in which the predetermined patterns are digit sequences including but not limited to credit card numbers and telephone numbers where processing the number sequence begins at the commencement of the utterance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 52-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 recites the limitation "wherein said variation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 53 recites the limitation "if said following part" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 53 recites the limitation "the time out parameter" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Response to Arguments***

*Applicant's argument with regard to the rejection of claim 1 and the corresponding dependent claims is not persuasive therefore the rejection of the claims in view of Gamm is maintained as addressed above.*

*New ground of rejection:*

*Regarding claim 48 and the corresponding dependent claims after further consideration of the prior arts used to reject these claims the examiner found that the claims are anticipated by Cirupita et al. alone and withdrew the combination as it was not necessary. As it is addressed in the rejection above Cirupita teaches where input numbers of long sequences are portioned in a predetermined manner and played back in same manner for verification by the user as claimed in the present application.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/  
Primary Examiner, Art Unit 2626